

**Imperial Sand Dunes Recreation Area**

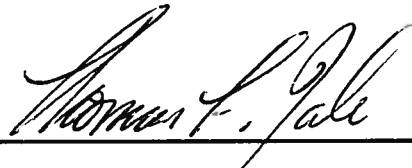
Business Plan 2013

**Fee Proposal**

for the

August 17, 2013

Desert Advisory Committee Meeting

A handwritten signature in black ink, reading "Thomas F. Zale", written over a horizontal line.

Thomas F. Zale

Field Manager, El Centro

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# 1. Authority and Process

## a. Authority

The Federal Lands Recreation Enhancement Act (FLREA; PL 108-447, Dec. 8, 2004) affords BLM the authority to implement fee programs for recreational use of public lands. The act specifically allows (Section 803[h]) the BLM to issue and collect a fee for Special Recreation Permits for specialized recreation use of public lands including motorized recreational vehicle use – this is the currently implemented method for fee collection.

Beyond FLREA, BLM must comply with all other relevant laws, rules and regulations, and internal policy including, but not limited to:

- Federal Land Policy and Management Act (1976),
- Federal Advisory Committee Act, as amended (1972),
- 43 CFR (Code of Federal Regulations) 2930,
- BLM Manual 2930 - Recreation Permits and Fees (BLM, 2006), and
- BLM Handbook H-2930-1 - Recreation Permit Administration Handbook (BLM, 2006).

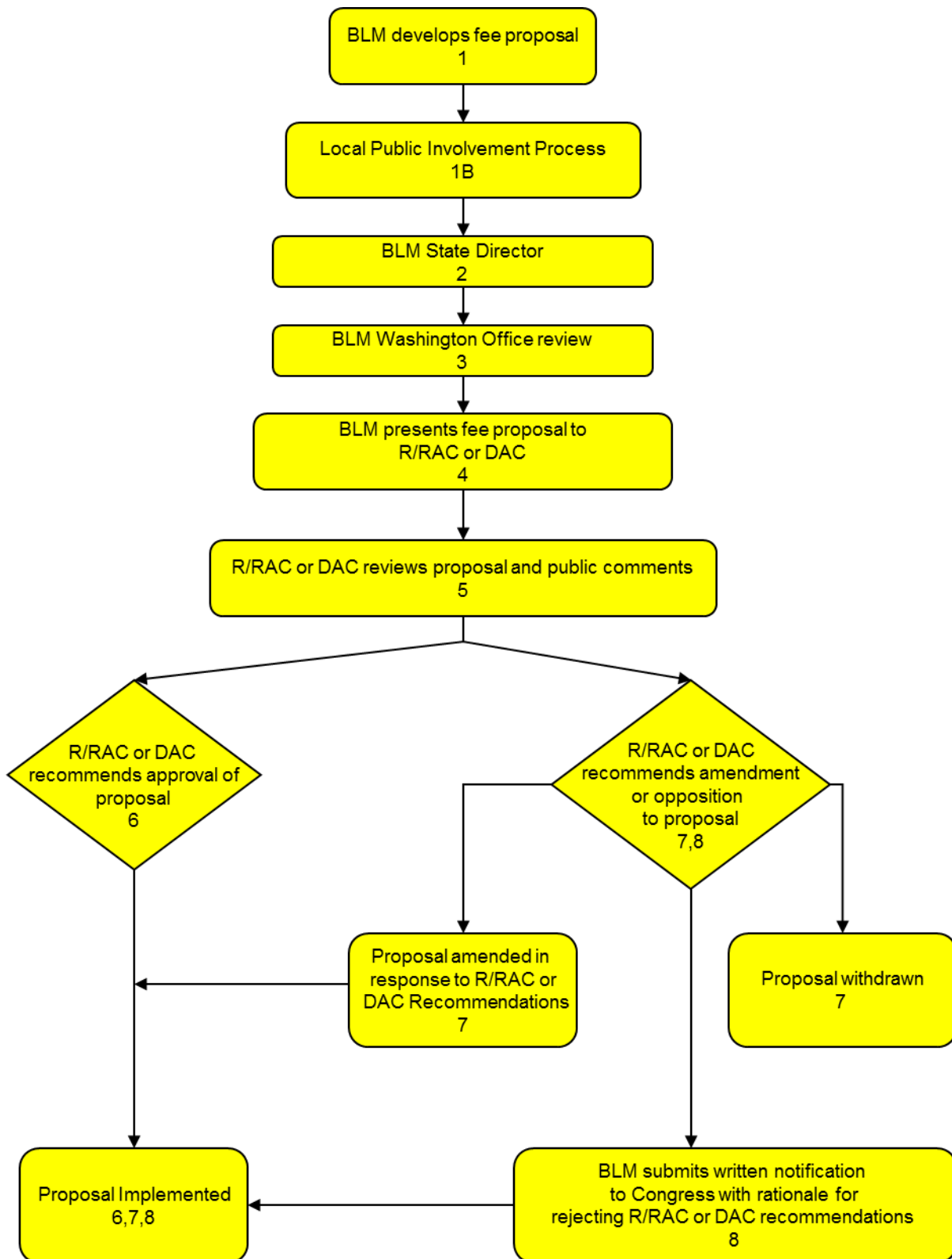
## b. Process

Establishing or adjusting existing fees are processes governed by direction provided in FLREA (PL 108-447). In order to meet these statutory requirements, the Secretary of the Interior and the BLM created policy guidance to ensure that recreation-fee proposals and adjustments follow an appropriate “Review and Approval Process.” This process is established in BLM Manual 2930 (BLM, 2006) and further discussed in BLM Handbook H-2930-1 (BLM, 2006). The process includes several components of internal review and approval, along with several elements of public participation. Depending on the type of fee established, the process also may include presentation to, and a recommendation from, the Recreation / Resource Advisory Council (R/RAC) or another entity already established pursuant to another provision of law to perform the R/RAC duties<sup>1</sup>. This process is best illustrated by the following flow chart:

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<sup>1</sup> For this specific project, the California Desert District (CDD) will utilize the California Desert District Advisory Committee (DAC), established under the authority of the Federal Land Policy and Management Act and 2012 Charter.

## BLM Recreation Fee Proposals, Approval Process



## 2. Public Participation

Section 804 of the Federal Lands Recreation Enhancement Act (FLREA; PL 108-447) requires the Secretary of the Interior to provide the public with an opportunity to participate in the establishment and implementation of recreation fees. In response to FLREA, the Secretaries of Agriculture and the Interior published their public involvement requirements under the title “Notice of Guidelines for Public Involvement in Establishing Recreation Fee Areas and for Demonstrating How the Public Was Informed on the Use of Recreation Fee Revenues” (Federal Register, Volume 70, No. 187, dated September 28, 2005, pages 56622 and 56623). The public participation process used for this fee development and implementation process has followed, and expanded, these minimum guidelines.

In addition to the public at large, input and feedback from stakeholder groups, including those representing recreational users and other agencies and entities (e.g., counties, business groups, etc.) are a critical component to the overall public process. These interests are generally represented through the Desert Advisory Committee and its Imperial Sand Dunes Recreation Area (ISDRA) Subgroup, a subset of the advisory committee whose focus is ISDRA-related issues, and serves as a conduit for public participation.

### a. Issues Identified

Formal public scoping was carried out through a Desert Advisory Committee ISDRA Subgroup meeting. This public meeting was held on August 10, 2010, and attended by subgroup members, BLM staff, and a few members of the public. The meeting did not specifically identify issues that needed to be addressed by the ISDRA Business Plan, but did focus on important steps the ISDRA subgroup would like carried out during the development of the business plan. These steps included public involvement and communication of the planning effort and the resulting fee structure / schedule. Many of the items presented during this discussion of process have been incorporated into the preparation of the plan, including two formal public-comment periods, discussed below, and the use of social media as a tool to distribute information. The specific items resulting from this meeting can be found in the 2012 Draft Business Plan (BLM, 2012) and the publically available minutes for the subgroup meeting<sup>2</sup>. In addition to the discussion of process, a number of ideas concerning how fees could be modified were raised during the meeting. These are presented in Appendix B of the Final Business Plan and helped the BLM prepare and complete the final business plan.

### b. Public Participation

After the scoping meeting, the BLM prepared the 2012 Draft Business Plan (BLM, 2012) and it was released on October 18, 2012, for an 18-day comment period. At the request of the ISDRA Subgroup, the comment period was extended to a 45-day public-comment period. Public comments were collected, reviewed, and utilized to produce the 2013 Final Business Plan which was released on May 31, 2013, for another 30 day public comment period. In addition to these formal comment periods, BLM accepted comments throughout the entire planning process. In

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<sup>2</sup> <http://www.blm.gov/ca/st/en/fo/elcentro/recreation/ohvs/isdra/dunesinfo/funding/dsgdocs.html>

total, there were 236 comments on the draft, 26 comments on the final, and 102 during the process, totaling 364 comments. The comment letters received ranged from single lines stating opposition to fee increases to substantial discussion of perceived deficiencies in the document and recommendations for improving the document, the proposed fee structure, and the method of fee implementation.

On February 6, 2013, the BLM published<sup>3</sup> on its ISDRA website, the ISDRA Public Comment Content Analysis (BLM, 2013). This document contains a detailed explanation of how the comments were processed and an analysis of their content. This document is incorporated here by reference and should be referred to for specifics regarding the content of the public comments. In summary, the comments fell into 10 main themes ranging from requests for more detailed information in the draft, to questions about the legality of the proposed-fee structure. Many of the changes between the draft and the final are a result of comments by the County of Imperial and members of the public. Most of the 26 comment letters on the Final Plan fell into the same categories identified in the Public Comment Content Analysis, however, there were a few new categories identified. First, there were comments addressing the front cover of the plan, readers commented that the image of the “Fees at work” picture of a real life rescue operation does not represent the typical recreation activity in the ISDRA. Secondly, there were comments that recognized the changes BLM made due to public comments, complemented the transparency of the agency, and supported the plan to increase fees.

Overall, the BLM has had extensive opportunities for public participation. Table one is a summary of some of the direct outreach, public communications, and social media activity the BLM utilized to facilitate public input into the plan.

**Table 1**

Group/Meeting	Location	Dates	Public Attendance (estimate)
<i>At several DAC ISDRA Subgroup meetings in 2009 and prior, a need for a new fee structure and alternative collection strategies were discussed.</i>	<i>Prior to 2010</i>	<i>Several</i>	
<b>2010-2013</b>			
DAC ISDRA Subgroup Meeting	El Centro, CA	Jul. 23, 2010	2
DAC ISDRA Subgroup Meeting	El Centro, CA	Aug. 31, 2010	2
DAC Public Meeting ISDRA Fee Presentation	Barstow, CA	Sept. 9, 2011	24
Meeting with Imperial County Supervisor Castillo	El Centro, CA	Oct. 12, 2012	
Press Release – Draft Plan released, 45-day comment period	National Release	Oct. 18, 2012	236
BLM Presentation at the Off-Highway Leadership Meeting	Moreno Valley, CA	Oct. 18, 2012	30
BLM phone calls to partners and stakeholders	CA and AZ	Beginning Oct. 18, 2012	

<sup>3</sup><http://www.blm.gov/style/medialib/blm/ca/pdf/elcentro/isdra.Par.14793.File.dat/Final%20ISDRA%20Business%20Plan%20Public%20Comment%20Content%20Analysis%20-%20EA%20edits.pdf>

<b>Group/Meeting</b>	<b>Location</b>	<b>Dates</b>	<b>Public Attendance (estimate)</b>
Email notifications to Congressional Representatives	California	Oct. 18/19, 2012	
Email notifications to Imperial County Board of Supervisors	Imperial County, CA	Oct. 18, 2012 Nov. 2, 2012	
Presentation to San Diego Off Road Coalition	Santee, CA	Nov. 13, 2012	35
Person-to-person contacts with visitors in the field	ISDRA	Ongoing	5,250
Presentation -DRAFT BP - Imperial County Board of Supv.	El Centro, CA	Oct. 23, 2012	35
DAC ISDRA Subgroup Meeting review DRAFT BP	El Centro, CA	Oct. 24, 2012	16
Public Info Meeting hosted and invited by the American Sand Association (ASA) at IV Cycle Center	El Centro, CA	Oct. 24, 2012	7
DAC Public Meeting	El Centro, CA	Dec. 1, 2012	11
DAC ISDRA Subgroup Meeting	El Centro, CA	Jan. 17, 2013	5
Presentation at the Off-Highway Leadership Meeting	Moreno Valley, CA	Jan. 31, 2013	
DAC Public Meeting	Barstow, CA	Feb. 9, 2013	
ASA Meeting with BLM	Sacramento, CA	Feb. 13, 2013	
ASA Meeting with BLM	Moreno Valley, CA	Mar. 8, 2013	
DAC ISDRA Subgroup Meeting	El Centro, CA	Apr. 18, 2013	9
Public Comments Period on Final Plan	El Centro, CA	Jun. 1-30, 2013	26
DAC Public Meeting	Ridgecrest, CA	Jun. 8, 2013	20
DAC ISDRA Subgroup Meeting	El Centro, CA	Jun. 27, 2013	5
BLM Presentation to San Diego Off Road Coalition	Santee, CA	Jul. 2, 2013	40
Imperial County Board of Sup. Meeting	El Centro, CA	Jul. 16, 2013	20
<b><i>Social Media</i></b>	<b><i>Location</i></b>	<b><i>Dates</i></b>	<b><i>Public Outreach (Estimate)</i></b>
BLM ISDRA Posted Link to Business Plan information and requested feedback	Facebook and website	Beginning Oct. 18, 2012 to current	Tens of thousands
United Desert Gateway Posted Link to Business Plan information and requested feedback	Facebook	Beginning Oct. 19, 2012 to current	
BLM sent a Mass Email to visitors who had purchased passes about Business Plan	National	Oct. 22, 2012 Jun. 6, 2013	9,000/day
BLM News.bytes articles	E-Magazine	Weekly	18,000 subscribers
American Sand Association website posts and links regarding the Business Plan	National and International	Oct. 22, 2012 Nov. 24, 2012	

### **3. Changes between Draft Business Plan, Final Business Plan, and Final Proposal**

The following is a list of the notable changes between the Draft Business Plan and the Final Proposal. A more detailed description can be found in Chapter 6 of the Final Business Plan.

#### ***Changes from Draft Business Plan to the Final Business Plan***

- The format of the document changed to aid in understanding of the actual fee adjustment being proposed.
- The proposed-fee structure and schedule was modified to reflect a smaller increase in visitor fees than originally proposed in the 2012 Draft Business Plan (BLM, 2012), as well as the removal of any change to the structure of fees pertaining to commercial vending in the ISDRA.
- Additional detailed financial information pertaining to expenditures, revenue, and the financial analysis was included. The combination of more-explicit financial information, and the presentation of more detail regarding existing planning decisions, serves to solidify the rational and justification for the proposed fee.
- Revised and additional narratives were included to enhance and clarify the Project Area, the Market Assessment, the public process, and social and economic impacts.

#### ***Changes from the Final Business Plan to the Final Proposal***

- The most noteworthy change between the Final ISDRA Business Plan and this proposal is one for customer convenience. The BLM proposes to include season permit sales, at the same price as off-site season permits, at both Cahuilla and Buttercup Ranger Stations only. The Final Plan proposed to have no season permit sales available at the ISDRA and required all sales to take place off-site. BLM staff believes that on-site season permit sales will add to the visitor experience and reduce customer complaints. The permits would be available at the same price as off-site sales so there would be no additional cost incurred from printing. On-site season permit sales amounted to 892 permits or 1.64% of all sales in FY 2012. Approximately one half the permits were sold by the BLM contractor and one half by permit vendors. These additional visits to the ranger stations are not expected to be a significant increase in workload to the BLM staff and therefore no additional labor expenditures are expected to be incurred.
- Addition of Cahuilla Ranger Station as a short term free parking area.
- The other change has to do with BLM's commitment to continue its work with the Desert Advisory Committee, Imperial Sand Dunes Recreation Area Subgroup and public (See section five, "Continued Public Participation" below).

### **4. Fee Proposal**

The fee program in the ISDRA began approximately 15 years ago (Jan. 1, 1999), when BLM began to collect individual, non-commercial recreation area permit fees under the authority of the "Fee-Demo Act". The fee schedule has changed since the inception of the program, see table two below. Fees were increased in 2004 and a differential cost was implemented in 2008



to establish a financial incentive to promote off-site sales. Due to the incentive, off-site sales have increased from about 16% in FY 2007 to about 80% in FY 2013. Permits for the ISDRA have been available to the public at the same rate (If purchased off-site) since 2004, or 10 years.

The Final ISDRA Business Plan 2013 incorporates public input, a clear and transparent financial analysis, a market assessment, and many other topics needed to make a strong justification for a fee increase. Due to the justification, the BLM is proposing to implement the plan as written with the changes described above (on-site season permits and continued public participation).

The BLM proposes to:

- Continue to collect a Special Area Individual SRP for each primary vehicle<sup>4</sup> i.e., those street-legal vehicles primarily used for transportation to the ISDRA.
- Shortening the fee period. Permits would be required between October 1<sup>st</sup> and April 15<sup>th</sup> annually instead of 365 days per year. Permit-free days would be consistent with those authorized by the President, the Secretary of the Interior, the BLM Director, California State Director, and the El Centro Authorized Officer.
- No permit would be needed for short-term visitation at Osborne Overlook, the Plank Road Cultural Resource Site, the Cahuilla and Buttercup Ranger Stations<sup>5</sup>, or the Watchable Wildlife Area.
- The adjusted 2014 fee for the Special Area Individual SRP would be **\$35 per seven-day period (week)**<sup>6</sup> when purchased off-site and **\$50 per week** when purchased on-site. In addition, a seasonal permit would be available at off-site sales locations and at both BLM Ranger Stations for **\$150 per primary vehicle**. Weekly permit prices would increase by \$5 in 2016. Season permits would increase by \$15 in the same year. See table two below.
- The BLM reserves the ability to not impose these increases should it become evident that federal, grant or other funding sources, will cover financial shortfalls, if any.
- The season permit will be a sticker affixed to the vehicle instead of a hangtag.
- BLM's official website would offer a discount of \$10 on a second weekly permit purchased at the same time, see table two below. One discounted permit could be purchased for every full-priced permit sold in the same transaction. For example, a visitor purchasing two weekly permits through the website would pay a total of \$60 (one permit for \$35 and one for \$25), or a visitor purchasing four weekly permits through the website would pay a total of \$120 (two permits for \$35 and two for \$25). The weekly permits purchased could be purchased for the same period of time, or different weekly periods throughout the season.

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<sup>4</sup> Unless exempted by FLREA, a permit is required for each "Primary Vehicle". A primary vehicle is defined as any street-legal vehicle. Primary vehicles do not include trailers, OHVs, or street vehicles towed into the area and only used off-road for recreation purposes.

<sup>5</sup> Short-term visitation areas would be signed.

<sup>6</sup> For the purposes of ISDRA, a week is generally a seven-day period running from the date of purchase or the date selected by the permittee, but may be extended by a few days to accommodate holiday weekends.

- The BLM would offer off-site, on-site, and seasonal permits wholesale to Authorized Permit Vendors<sup>7</sup>. The wholesale price would be \$2 less than the BLM’s retail price i.e., \$33 off-site and \$48 onsite, for weekly permits and \$7 less than retail i.e., \$143, for seasonal permits
- No proposed change to permits for “towed-in” vehicles (vehicles used only for cross-country recreation travel within the ISDRA).

**Table 2**

FISCAL YEAR	Web Only	Off-site <sup>8</sup>		On-site <sup>9</sup>	
	2 <sup>nd</sup> Veh.	Weekly	Season	Weekly	Season
1999	na	\$10	\$30	\$10	\$30
2004	na	\$25	\$90	\$25	\$90
2008-current	na	\$25	\$90	\$40	\$120
Proposed 2014	\$25	\$35	\$150	\$50	\$150
Proposed 2016 (if needed)	\$30	\$40	\$165	\$55	\$165

The proposed fee structure affords dunes visitors with several options to purchase a permit based on the number of times they intend to visit. The fee structure will generate sufficient revenue that, when combined with federal funds and state grants, will enable the BLM to perform the program of work necessary to ensure a safe environment for the dunes visitors to recreate at the ISDRA.

## 5. Continued Public Participation

Continued public participation is a key element to sustain the ISDRA fee program. The BLM is committed to working cooperatively with Imperial County, the United Desert Gateway, special interest groups, and most of all, the Desert Advisory Committee ISDRA Subgroup, which represents visitors to the dunes. The El Centro Field Office remains committed to continuing its 15-year relationship with the ISDRA Subgroup with open communication and transparency. As documented in the BLM California Strategic Framework, Community (*Recreation, Partnerships, and Public Safety*) is one of the three pillars that BLM California work is based on. The BLM has a long and successful partnership history with the Subgroup, and looks to build new partnerships in the future.

<sup>7</sup> Authorized Permit Vendors would request from BLM the ability to sell permits. Approval to vend permits would be based on a number of items, including, but not limited to credit rating location, community served, operations, and past performance.

<sup>8</sup> Off-site locations include OHV groups, OHV industry shows, OHV / Camping retail stores in the Southern California and Southwestern Arizona communities, and gas station / convenience stores on routes that lead to the ISDRA.

<sup>9</sup> On-site locations include all sites (BLM or private) within the fee-area boundary such as vendors, Ranger Stations, and retail stores.

The partnership with the ISDRA Subgroup has been modified several times over the years. Managers and subgroup members have changed, operational procedures were reformed to ensure compliance with laws like the Federal Advisory Committee Act, and information distribution expanded through the use of social media are a few examples. The BLM will remain open to new ideas and changes to continue to be a forward thinking agency. Although more changes will occur in the future, the Desert Advisory Committee Subgroup will remain an integral part of the of the management program for the Dunes.

During the June 27, 2013, meeting, the Subgroup adopted a motion to present to the full Desert Advisory Committee (DAC). Its motion requested that the BLM continue to work cooperatively to determine the feasibility for a one-day permit, additional options for a second-vehicle permit, to look for more efficient way to collect fees, and to look into cost recovery for providing medical services. Although the motion has not been formally presented to the full DAC, the BLM has already given the request serious consideration.

The BLM remains committed to open discussion about the feasibility of alternative fee structures and methods of fee collection. Discussion will, however, need to be based on options that are realistic for BLM, economically feasible, and allowed under law and policy. For example, BLM has researched the feasibility of a cost-recovery program for search and rescue / emergency medical services in the dunes and that it is prohibited by the National Search and Rescue Plan of the United States (signed by the Secretary of the Interior et al). On the other hand, BLM has already incorporated one of the requests of the Subgroup into this proposal, the second-vehicle permit. BLM does understand that the Subgroup and BLM need to have further discussion about more changes to the second-vehicle permit. However, the second-vehicle permit, as well as the inclusion of the season permits, a free period, a reduced and incremental fee increase, are all indications that BLM is listening, and will continue to communicate with the public.

## **6. Errata**

- a. Page 14, second paragraph - ".....that either visitation is overstated by a least a factor of five or that the compliance is significantly lower than expected." The "a" before "least" should be "at".
- b. Page 16, second paragraph – “Los Angles” is misspelled and should be Los Angeles.
- c. Page 26, footnote 32 – “EL Centro” should be “El Centro”.
- d. Page 28, item 1 - the last sentence in the first paragraph, "...credit card use" should be "credit card used"
- e. Page 39, footnote 50 – “... but may be extended by a few days to accommodate holiday weekends” should be deleted.
- f. Page 41, the last word in the first paragraph, “Authority”, should be deleted.
- g. Page 45, table 4-5 – the word “Appropriate” should be “Appropriated”.

BLM intends to make these corrections and repost the 2013 Business Plan on the webpage.